

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ZIMMER,

Defendant.

ORDER

06-89M-X

UNITED STATES OF AMERICA,

Plaintiff,

v.

BONNIE ZIMMER,

Defendant.

ORDER

06-90M-X

Defendants Michael and Bonnie Zimmer have filed identical pro se motions in their respective cases demanding return of property, specifically \$400 cash and a religious medallion. *See* dkt. 18 in 06-89M and dkt. 19 in 06-90M. The United States Attorney's Office responds that in 2006 a United States Bureau of Prisons disciplinary hearing officer deemed this property contraband and it was disposed of. The Zimmers reply that the USAO is creating an artificial distinction between itself and BOP, and that they are entitled to compensation in these criminal cases for this unlawful taking without due process.

Although it would surprise this court if the identified property was deemed contraband without process, it doesn't matter for the purpose of deciding the instant motions. The distinction noted by the USAO is valid. The property was disposed of in administrative proceedings conducted by BOP, not this court. If the Zimmers wish to pursue this matter, then they must proceed administratively or civilly, and the appropriate respondent is BOP.

Therefore, it is ORDERED that the motion for return of property in each of these cases is DENIED.

Entered this 14th day of July, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge